

INDIAN AFFAIRS MANUAL

Part: 101

Individual Indian Money Accounts

Chapter: 1

General

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1.1 Purpose. This chapter identifies the general policies, statutes, and regulations governing trust accounts established for the benefit of Individual Indians.

1.2 Policy. It is the policy of the Bureau of Indian Affairs to:

- A. Provide adult Indians ready access to funds in their unrestricted Individual Indian Money (IIM) account; and
- B. Ensure prudent management of the funds in restricted accounts to protect the interests of the account holder.

1.3 Authority.

A. Statutes.

- (1) 25 U.S.C. §14, Money accruing to Indians from Veterans' Administration or other governmental agencies;
- (2) 25 U.S.C. § 17a, Per capita distribution of funds to tribe members;
- (3) 25 U.S.C. § 17b, Distribution of funds;
- (4) 25 U.S.C. § 17c, United States responsibility to Indians;
- (5) 25 U.S.C. §118, Payments in satisfaction of judgments;
- (6) 25 U.S.C. §951 et. seq., Agua Caliente (Palm Springs) Reservation of California: Equalization of Allotments;
- (7) 25 U.S.C. Chapter 16, Distribution of Judgement Funds; and
- (8) 25 U.S.C. Chapter 42, American Indian Trust Fund Management Reform.

B. Regulations.

- (1) 25 C.F.R. Part 20, Financial Assistance and Social Services Program;
- (2) 25 C.F.R. § 87.10, Per capita payment aspects of plans and protection of funds accruing to minors, legal incompetent and deceased beneficiaries;
- (3) 25 C.F.R. Part 115, Individual Indian Money Accounts;
- (4) 25 C.F.R. Part 117, Deposit and Expenditure of Individual Funds of Members of the Osage Tribe of Indians Who Do Not Have Certificates of Competency;
- (5) 43 C.F.R. §§ 2.80 and 2.82, Compulsory Process, Testimony of Employees.

1.4 Handbook. Reserved. BIA and OTFM are developing a handbook that will be referenced in this section.

1.5 Cross-References.

- A. **Office of Trust Funds Management (OTFM) Policy Memorandum No. POL 98-010**, Individual Indian Money (IIM) Account Classifications and Code Standardization for the Existing System, pursuant to 25 U.S.C. §4001, American Indian Trust Fund Management Reform Act.

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B. OTFM Policy Memorandum No. POL 98-012, Mandatory Documentation Requirements for Individual Indian Money Account Jacket Folders, pursuant to 25 U.S.C. §4001, American Indian Trust Fund Management Reform Act.

C. OTFM Procedure Memorandum No. PRO 97-003, Procedures for Individual Indian Monies (IIM) Change of Address and One-Time Disbursements, as amended by PRO98-003, Clarified Procedures Regarding Change of Address Form, pursuant to 25 U.S.C. §4001, American Indian Trust Fund Management Reform Act.

1.6 Scope. The procedures and guidance outlined in Part 101 apply to all Bureau organizations that have administrative responsibility for the supervision and control of Individual Indian Money accounts. Compliance by Indian tribes having responsibilities for the management of IIM accounts is encouraged, but cannot be required until new regulations are issued.

1.7 General Definitions.

A. Individual Indian Money Account means an interest bearing account for trust funds held by the Secretary that belongs to an individual Indian, an heir of an Indian account holder, or to the life estate holder of Indian trust assets. IIM Accounts are classified as restricted or unrestricted (Chapter 5). Restricted accounts are further classified as Supervised (Chapter 2), Encumbered (Chapter 3), or Estate Accounts (Chapter 6).

B. Jacket Folder is a file maintained for each account holder. The folder may be a hardcopy record and/or an electronic record stored in an automated system.

C. Officer-in-Charge means the Bureau official who is in charge of an agency, a subagency, or a field office.

1.8 Responsibilities. BIA and OTFM staff share responsibility for the proper management of IIM accounts. Detailed procedures in the handbook will provide more specificity with respect to the specific division of responsibilities, but, for IIM accounts in general –

A. BIA Staff:

- (1) Provide OTFM with copies of probate orders or summary distributions affecting trust estates;
- (2) Make determinations on whether to restrict an IIM account;
- (3) Review and approve proposed disbursements from a restricted IIM account; and
- (4) Maintain the case files for restricted IIM accounts.

B. OTFM Staff:

- (1) Establish new IIM accounts;

- (2) Maintain the Jacket Folders for IIM accounts;
- (3) Ensure that all disbursements are made only when requests are signed by an authorized individual;
- (4) Invest IIM funds; and
- (5) Provide reports to account holders.

1.9 Sections and Contents of Jacket Folders. Jacket folders are divided into six sections that contain the following types of information:

Section	Contents
1. Legal	Tribal membership or enrollment certificate
	Copy of Social Security Card
	Copies of tax withholding forms
	Copy of birth certificate for minor's account
	Death certificate, if applicable
	Court orders, guardianship papers, adoption papers, if applicable
2. Account Maintenance	Account establishment form
	Change of address notices
	Returned statements; envelopes from returned checks
	Official death notification, if applicable
3. Financial Transactions	Journal vouchers, bills for collection, disbursements requests and disbursement authorizations, and receipts for disbursements
4. General Communications	Letters from account holder, copies of letters to account holder, and notes of telephone or in-person contacts
5. Reports/Statements	Copy of Forms 1099
	Copy of any OIG or GAO report that affects the account
	Customer statements
	Results of administrative review of folder
6. Personal Information	Other useful information about the account holder, such as the names, addresses and telephone numbers of other family members, account holder's residence, if different than mailing address, copy of photographic identification.



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OTFM POLICY MEMORANDUM NO. POL 98-012

To: Office of Trust Funds Management (OTFM) Division Chiefs
OTFM Area Trust Accountants
OTFM Agency Personnel

From: Acting Director, OTFM

Subject: Mandatory Documentation Requirements for Individual Indian Money
(IIM) Account Jacket Folders

1. Policy: It is the policy of OTFM that IIM accounts shall be maintained in an effective and efficient manner. This includes ensuring that each IIM account has specific hardcopy or electronic image documentation needed to provide accountability. Appendix 1 outlines specific documentation requirements which are determined by the classification of the IIM account.
2. Authority: This policy is issued pursuant to Pub. L. 103-412, The American Indian Trust Fund Management Reform Act of 1994.
3. Effective Date: Immediately.
4. Expiration Date: Until amended, superseded, or revoked.
5. Background: Title III of Pub. L. 103-412, The American Indian Trust Fund Management Reform Act of 1994 (the Act), requires the Secretary of the Interior to establish standardized trust fund policies and procedures and to implement trust management reforms that will: (a) allow the Department to properly account for all trust fund monies; and, (b) ensure the proper and efficient discharge of the Secretary's trust responsibilities. This memorandum establishes OTFM policy consistent with the requirements of the Reform Act by ensuring that all activities related to an IIM account are properly documented and justified.
6. Definitions:
 - A. Account Classifications. There are five classifications that all IIM accounts fall within:
 - (1) Individual - Unsupervised Accounts. These accounts are flow-through in nature. Initial authorization of disbursements from these accounts is initiated

with a signed Form 4249. Trust monies are collected and disbursed automatically once the account balance reaches the minimum threshold.

- (2) Individual-Supervised Accounts. These accounts are controlled and all disbursements must have approval based on need as described in 25 CFR.
- (3) Estate Accounts. These accounts are for deceased individuals only. Accounts are placed in this classification from the time a notification of death is received until the estate has been probated and the account balance is distributed.
- (4) House Accounts. These accounts are established to distribute interest earnings and oil and gas income; to control the routing of Treasury Unavailable Check Cancellation and Limited Payability credits for distribution to the appropriate account holder, and as suspense accounts used for the temporary deposit of funds which cannot be credited to specific accounts or readily distributed.
- (5) Closed Accounts. These accounts are in the IIM system with a code that indicates the account is closed and no financial transactions may be posted to the account.

B. Jacket Folder. A jacket folder is a file maintained for each account holder. The folder may either be a hardcopy record and/or an electronic record stored on an automated system.

C. Sections of Jacket Folders. Jacket folders are divided by types of documents required within each section. There are six sections within each folder: Section 1, Legal; Section 2, Account Maintenance; Section 3, Financial Transactions; Section 4, General Communications; Section 5, Reports & Statements; and Section 6, Personal Information.

7. IIM Jacket Folder Sections: Information in all IIM jacket folders will be divided into the following six separate sections. (It should be noted that there may be occasions where the electronic system points to the same document from different jacket folder sections.)

- A. Section 1. Legal, includes official and legal data for the account holder, a copy of the account holder's tribal membership or enrollment certificate, Social Security Card, birth certificate, death certification, adoption papers, guardian papers, Forms W-9, etc.
- B. Section 2. Account Maintenance, includes copies of documents which result in the establishment or modification of an account, e.g., account establishment form, any change orders, copies of official notifications of death, returned statements, envelopes in which checks were returned, etc.
- C. Section 3. Financial Transactions, includes copies of documents, includes copies of documents for all financial transactions, e.g., Journal Vouchers, Bills of Collection, written requests for disbursements, signed disbursement, receipts for disbursements, etc.

- D. Section 4. General Communications, includes any communications whether written or documented oral conversations, letters to or from account holders, miscellaneous correspondence, etc.
 - E. Section 5. Reports/Statements includes any official reports to other federal agencies, e.g., Forms 1099s, OIG audits, customer statements, reviews of the folder, etc.
 - F. Section 6. Personal includes miscellaneous information such as account holder's children's names, addresses, phone numbers, address of the account holder if it is different from the mailing address, copy of photographic identification, etc.
- 8. Minimum Documentation Requirements for IIM Accounts: Appendix 1 identifies the minimum documentation required in the jacket folder for IIM accounts
 - 2. Waiver Requests: There may be occasions where required documentation cannot be located. Waivers to these requirements may be requested, on a case-by-case basis. An requests shall be forwarded to the Director, OTFM and identify which document the waiver is being requested for and include an explanation to support the request. These requests and approvals received from the Director shall be filed in the jacket folder section the waived document would normally be filed.
 - 10. Actions Required by OTFM Prior to the Establishment of an IIM Account in the IIM System: All OTFM employees who establish, or who are involved in the establishment of IIM accounts, shall ensure that the account holder's jacket folder contains the minimum required documentation.
 - 11. Filing Requirements: OTFM Policy Memorandum No. POL 98-012 3 pages with attachments, will be filed in the OTFM Policies Memoranda binder.
 - 12. Contact: The Chief, Division of Field Operations, at (405) 273-2069 or fax (405) 273-7654, for questions regarding this policy. Contact the Chief, Branch of Policies and Procedures, Division of Quality Assurance, at (505) 248-5751 or fax 248-5782. for copies of missing numbered memoranda.

Attachment Appendix 1, IIM Individual Account Jacket Folders - Documentation Requirements List

IIM JACKET FOLDERS - DOCUMENTATION REQUIREMENTS

Document Requirements Key: D=Desirable; M=Mandatory; N/A=Not Applicable

Jacket File Sections: C=General Communications; F=Financial Transactions;

L=Legal; M=Account Maintenance; P=Personal Information; R=Reports/Statements.

DOCUMENTS		JACKET FILE SECTION	ACCOUNT CLASSIFICATION			
			Individual - Unsupervised	Individual - Supervised	Estate	House
1	Copy of account holder's Tribal Membership or Enrollment Certificate, Certificate of Degree of Indian Blood (CDIB), Allomment Number/For/Record/Certificate, or a certification by the tribe. IF A NON-INDIAN, A DECLARATION THAT THE ACCOUNT HOLDER IS NON-INDIAN IN ACCORDANCE WITH 43 CVFR 4.240(a)(4)	L	M	M	M	N/A
2	Copy of account holder's Social Security Card or Taxpayer Identification Number from IRS Form W-9	L	M	M D- Minor's Judgment	M	N/A
3	Copies of BIA Certificates, such as Certificate of competency (25 CFR 117),. If applicable, " OSAGE ONLY. "	L	N/A	M N/A-Minor's Judgment	N/A	N/A
4	Copy of the account holder's birth certificate.	L	N/A	M - Minors Only	N/A	N/A
5	Account holder's name change supported by a copy of marriage certificate, divorce decree, adoption papers, petition for changing name, or paternity papers	L	M If applicable	M If applicable	M If applicable	N/A
6	Name, address and phone number (if available) of the account's Personal Representative (Executor/Executrix)	L, M	N/A	N/A	M If applicable	N/A
7	Any holds on the account and/or Assignment of income (e.g. memos, credit forms, Request to Advance Credit Funds, etc.)	F, L, M	N/A	M If applicable	M If applicable	M If applicable
8	A copy of the bond for Financial Guardianship	L	N/A	M If applicable	N/A	N/A
9	Names, addresses, and phone numbers (if available) of non-parental guardians, or other persons having legal custody of the Minor or Non-Compos Mentis account holder	L, M	N/A	M	M If applicable	N/A
10	Agency or court legally responsible for making decisions on the account holder's behalf (e.g., a court order from federal, tribal, or district court)	L, M	N/A	M If applicable	M If applicable	N/A
11	A copy of an unofficial notification of death	M	N/A	M If applicable	M	N/A
12	A copy of the official Death Certificate or Official Notice of Death	L, M	N/A	N/A	M	N/A

			ACCOUNT CLASSIFICATION			
DOCUMENTS		JACKET FILE SECTION	Individual - Unsupervised	Individual - Supervised	Estate	House
13	Any order showing that the estate is in probate and distribution of the deceased account holder's funds is prohibited (e.g., copy of Order suspending Distribution of Estate; probate documents and any modifications; Data for Heirship Finding and Family History; order Approving Will and Decree of Distribution - Pending Probate, etc.)	L	N/A	N/A	M	N/A
14	Any order showing that the probate has been completed for the estate and claims may now be paid (e.g., copies of Order Transferring Inherited Interests; Claim Settlement Authorization; original inherited interests to Estate Card - Completed Probate; Data of Heirs, Order Determining Heirs, etc.)	F, L	N/A	N/A	M	N/A
15	A copy of Notice of Appeal (e.g., an individual is appealing the decision or order)	L	N/A	N/A	M If applicable	N/A
16	Any copy of Petition for Reopening Probate	L	N/A	N/A	M If applicable	N/A
17	A copy of decision approving or denying Petition by Administrative Law Judge	L	N/A	N/A	M If applicable	N/A
18	Synoptic sheets showing the terms of the trust for Judgment and Per Capita Fund accounts (e.g., Judgment Fund Use and Distribution Act restrictions, tribal resolutions, memoranda from Tribal Operations, etc.)	L	N/A	M If applicable	N/A	N/A
19	IIM Account Establishment Form or Work Ticket indicating the account holder's name, current address, and phone number (if available)	M	M	M N/A -Minor's Judgment	M	M
20	Documentation which shows the reason for changing the account classification (e.g., Order Removing Restrictions; a report from social services; recommendation from committee; court order, account statements that have been returned; envelopes in which checks were returned, etc.)	M	M If applicable	M If applicable	M If applicable	M If applicable
21	Any Change Orders and verifications of change Orders	M	M	M	M	M
22	Copies of all financial collection, deposit, disbursement, transfer, etc. transaction documentation (e.g., JV's, Schedule of Canceled Checks, Bills of collection, Public Vouchers, BB's etc.) EXCEPTION: monthly interest, oil and gas interface, lease distribute	F	M	M	M	M
23	Disbursement Authorizations and Disbursement Plans and any modifications to such plans; written justifications, approvals, and purchase/payment receipts for emergency/extenuating circumstances disbursements that are not included in the established Disbursement Plan.	F	M	M	M	M
24	Written or oral communications (e.g, letters from or to account holders, memos to the file; ;miscellaneous correspondence, documentation which supports determinations that court order is not being followed, etc.)	C	If applicable	If applicable	If applicable	N/A
25	Copies of any official reviews of the file, including any audits and/or follow-up actions to audit recommendations.	C	If applicable	If applicable	If applicable	N/A
26	Official reports to other federal agencies, guardians, courts, inquiry from Treasury, claims documents, Advise of Status, etc.	R	If applicable	If applicable	If applicable	N/A

			ACCOUNT CLASSIFICATION			
DOCUMENTS		JACKET FILE SECTION	Individual - Unsupervised	Individual - Supervised	Estate	House
27	Copies of 1099, Interest earnings, etc.	R	If applicable	If applicable	If applicable	N/A
28	Names of account holder's children dates of birth, addresses and phone numbers (optional)	P	D If available	D If available		N/A
29	Account holder's relative (not living with him/her) name, address, and phone number (optional)	P	D If available	D If available	N/A	N/A
30	Account holder's location if different from mailing address e.g., nursing home, school, etc.	P	D If available	D If available	N/A	N/A
31	Copy of photographic identification	P	D If available	D If available	N/A	N/A
32	Names, addresses and phone numbers (if available) of account holder's parents	P	D If available	D If available	N/A	N/A